

FRIENDS OF LAMOINE  
Post Office Box 963  
Ellsworth, ME 04605

December 11, 2014

Hancock Fenton, Chairman  
Board of Appeals  
Lamoine Town Office  
606 Douglas Highway  
Lamoine, ME 04605

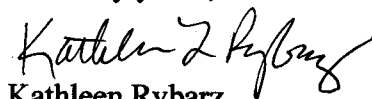
Dear Chairman Fenton:

We, on behalf of Friends of Lamoine, hereby appeal the decision by Code Enforcement Officer Michael Jordan not to act on a complaint we filed with regard to Tax Map 3, Lots 6 & 8 of Timothy H. Gott et al. & Doug Gott and Sons, Inc

Copies of that complaint and CEO Jordan's decision dated November 13, 2014 are attached.

A hearing is requested on this matter. A memorandum will be provided to the Appeals Board prior to the hearing.

Sincerely yours,

  
Kathleen Rybarz  
for Friends of Lamoine

w/attachments

**Town of Lamoine  
Application for Variance or  
Appeal to the Board of Appeals**

Name of Appellant Friends of Lamoine  
Mailing Address P.O. Box 963  
City or Town Ellsworth, Maine  
Telephone (Home) 664-0069 (Work) \_\_\_\_\_  
Name(s) of Property Owner Timothy H. Gott et al. & Doug Gott and Sons, Inc

The undersigned requests that the Board of Appeals consider one of the following:

  X   1. An Administrative Appeal. Relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

- an error was made in the denial of the permit  
       the denial of the permit was based on a misinterpretation of the ordinance  
       there has been a failure to approve or deny the permit within a reasonable period of time  
  X   other. Failure to obtain a gravel permit for extraction of gravel in excess of 500 cubic yards as per Lamoine Gravel Ordinance, March 2013, on Map3, Lots 6 & 8.b. . A memorandum will be provided to the Appeals Board prior to the hearing.

Please explain in more detail the fact surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

       2. A Variance.

a. Nature of Variance: Describe generally the nature of the variance.

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings, or alterations, and any natural or topographic peculiarities of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the zoning ordinance would cause undue hardship. There are four criteria which must be met before the BOA can find that a hardship exists. Please explain how your situation meets each of these criteria listed below:

1. The land in question cannot yield a reasonable return unless the variance is granted.
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.
3. The granting of a variance will not alter the essential character of the locality.
4. The hardship is not the result of action taken by the appellant or a prior owner.

I certify that the information contained in this application and its supplement is true and correct.

Date: December 12, 2014

Friends of Lamoine

Lynn Tscheiller

Bruce Gillett

Carol Korty

Catherine du Tuede

John Jerabek

Kathleen Rybarz

Katherine Gainguest

(Appellant's Signatures)

Note to Appellant: This form should be returned to the Chairman of the Board of Appeals. You will be notified of the date, time and location of the hearing on your appeal.

*Town of Lamoine, Maine*  
606 Douglas Hwy.  
Lamoine, ME 04605  
207-667-2242  
e-mail [town@lamoine-me.gov](mailto:town@lamoine-me.gov),  
website [www.lamoine-me.gov](http://www.lamoine-me.gov)



## COMPLAINT FORM

### *Complainant Information*

Name of Person Making Complaint Friends of Lamoine (see below)  
Mailing Address P.O. Box 963  
City Ellsworth State ME Zip Code 04605  
Telephone (Home) 207-667-4441 (Work) 207-664-0069 (Cell) 667-7239  
E-mail address Friendsoflamoine@lamoine.org

Date of Complaint 10/22/2014 Date of Possible Violation 10/20/2014  
Location of Possible Violation Map 3 Lots 6 & 8  
Timothy H. Gott, et al & Doug  
Person responsible for possible violation Gott and Sons, Inc.  
Property Owner as above.

Describe nature of activity being reported and what ordinance it might violate. In the space below. Use the reverse side of this form or attach additional statements if necessary.

Gravel has or will be extracted or excavated from Map 3, lots 6 & 8 in excess of 500 Cubic Yards without a gravel permit. The Lamoine Gravel Ordinance, March 13, 2013, Amended April 10, 2014, Section 7A requires a Gravel Permit for excavation and or extraction that has exceeded or will exceed 500 Cubic Yards.

(See reverse side for copy of Gravel Ordinance, Section 7A. )

Friends of Lamoine signed below are: Kathryn Gaianguet, Bruce Gillett, John Jarabek, Carol Korty, Kathleen Rybarz, Lynn Tscheiller, Catherine de Tuede  
*Signature*

Return to:  
Code Enforcement Officer  
Town of Lamoine  
606 Douglas Hwy  
Lamoine, ME 04605



*Town of Lamoine  
Michael Jordan, Code Enforcement Officer  
606 Douglas Hwy  
Lamoine, ME 04605*

*(207) 667-2242*

November 13, 2014

Friends of Lamoine  
PO Box 963  
Ellsworth, ME 04605

To Whom It May Concern:

I am in receipt of your complaint dated 10/22/2014 in regard to the amount of gravel being excavated from Map 3 Lots 6 & 8. I received this complaint on October 23, 2014.

After reviewing the complaint and visiting the site, I offer the following:

- The project in question is commercial building construction. After the site plan review permit was initially denied by the Lamoine Planning Board, the Lamoine Board of Appeals overturned the denial following a properly called hearing. The Planning Board then issued the Site Plan and Commercial Building permit on August 13, 2014.
- Both the Planning Board and Board of Appeals were well aware during the permit application and appeal process that approximately 70,000 cubic yards of material would be removed to accommodate the commercial building.
- No appeal of the permit issuance has been received.

Because the proper permitting for this project has been obtained by the property owners, there is no violation of the Town of Lamoine Ordinances.

Sincerely,

Michael Jordan  
Code Enforcement Officer

# Town of Lamoine - Treasurer's Receipt

Date 12/12/2014 From Friends of Lamoine

REC # 3506

Fifty and 00/100 US Dollar

\$50.00

Building	
Shoreland	
Plumbing	
Appeals Board Fee	50.00

Notes

Friends of Lamoine v. CEO

Total Rec'd \$50.00

Cash \$0.00

Check \$50.00

Creditcard



Treasurer

Stuart Marckoon